

Application No. 10/781,233
Attorney Docket No. 15554US01

REMARKS

The present application includes claims 1-20. Claims 1-20 were rejected. By this Amendment, claims 1 and 9 are amended and claims 2-8 and 10-20 have been canceled.

The specification and drawings were objected to by the Examiner due to formal matters that are further discussed and remedied below.

Claims 1-2, 4, 6-11 and 13-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Wu, U.S. Patent No. 6,126,293.

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rushing, U.S. Patent No. 5,053,931, in view of Chin-Hung et al., U.S. Patent No. 5,085,239.

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rushing, U.S. Patent No. 5,053,931, in view of Sadowski et al., U.S. Patent No. 4,979,535.

The Examiner directed the Applicant's attention to paragraph 45 at page 17, line 3. Paragraph 45 has been amended to explicitly recite the application number of the identified patent application as Application No. 10/781,183.

Further, the Examiner objected to the use of the terminology "a lighting system" in claims 1 and 9. The term "a lighting system" has been removed from claims 1 and 9.

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The Applicant now turns to the rejection of claims 1-2, 4, 6-11 and 13-20 under 35 U.S.C. §102(b) as being anticipated by Wu, U.S. Patent No. 6,126,293. Wu teaches an illuminating umbrella. The umbrella of Wu includes solid ribs 24 and a cloth canopy 5. In Wu, a light is attached to the tip of a rib away from the center of the umbrella. The light is attached to the rib itself and not to the cloth canopy 5. Specifically, as shown in Figure 1 and described at Col. 2, Lines 52-54, the umbrella taught by Wu has "a plurality of tip illuminators 32 fixed on a tip end (or outer end) of each outer rib 24".

The present application includes independent claims 1 and 9. Claims 1 and 9 have been amended to recite an umbrella having a fabric undercanopy wherein a reclosable fastening device is attached to the fabric undercanopy. This limitation is not taught by Wu because Wu teaches attaching to the ribs 24, not to the cloth canopy 24.

Further, claims 1 and 9 also recite that the reclosable fastening device includes a first member permanently attached to the fabric canopy and a second member attached to the fabric canopy at one end. As above, this limitation is not taught by Wu because Wu teaches attaching to the ribs 24, not to the cloth canopy 24.

Additionally, claims 1 and 9 recite that the first member had a first portion and the second member has a second portion and the first and second portions form the male and female ends of a snap. Wu does not teach the use of snaps.

Consequently, claims 1 and 9 are respectfully submitted to be allowable.

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The Applicant now turns to the rejection of claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over Rushing, U.S. Patent No. 5,053,931, in view of Chin-Hung et al., U.S. Patent No. 5,085,239. Rushing teaches a diffuse patio lighting arrangement including an umbrella having ribs 28 and a material canopy 30. As described at Col. 2, Lines 47-50, and shown in Figure 3, Rushing teaches securing light strands to the ribs of an umbrella. Specifically, at Col. 5, Lines 20-23 and 27-29, Rushing teaches using “plastic zip ties” and other “similar light gauge strapping” to secure light strings to the “beginning and end of each rib and at several points along the length of the rib”. Further, as described at Col. 5, Lines 49-51, the light strings “remain firmly fixed to the ribs of the umbrella” so that “once the light arrangement is put up on an umbrella, it stays up.” Consequently, Rushing teaches permanently attaching lights to the ribs of an umbrella.

The Examiner acknowledges in the Office Action the Rushing does not teach 1) that the zip ties are permanently attachable to the umbrella and 2) does not teach a reclosable fastening system because that the zip ties are reclosable.

Chin-Hung teaches a hand-held safety umbrella, not a patio umbrella. Claims 1 and 9 have been amended to recite a reclosable fastening system attached to the undercanopy of a patio umbrella.

Thus, neither Rushing nor Chin-Hung teaches a reclosable fastening system attached to the undercanopy of a patio umbrella as recited in claims 1 and 9. Consequently, claims 1 and 9 are respectfully submitted to be allowable.

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The Applicant now turns to the rejection of claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over Rushing, U.S. Patent No. 5,053,931, in view of Sadowski et al., U.S. Patent No. 4,979,535. As mentioned above, Rushing does not teach a reclosable fastening system.

Sadowski teaches an umbrella with a detachable cover. In Sadowski, the detachable cover is removably attached to the ribs of an umbrella apparatus. Specifically, As shown in Figure 4 and described at Col. 2, Lines 12-20, Sadowski teaches using a "strip of material, sewn at its midpoint to the seam" and having Velcro pads at opposite ends for connecting an undercanopy of an umbrella to an umbrella rib.

Sadowski does not teach snaps, as recited in claims 1 and 9 as amended.

Thus, neither Rushing nor Sadowski teaches a reclosable fastening system using snaps because Rushing does not teach and reclosable fastening system and Sadowski does not teach the use of snaps.

Consequently, claims 1 and 9 are respectfully submitted to be allowable.

In light of the aforementioned amendments and discussion, Applicant respectfully submits that the application is now in condition for allowance.

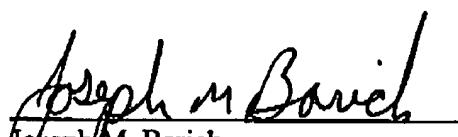
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CONCLUSION

If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,



Joseph M. Barich
Registration No. 42,291

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MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, IL 60661

Telephone: (312) 775-8000
Facsimile: (312) 775-8100